

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**ELAINE M. COLEY,**

**Plaintiff,**

**V.**

**CASE NO: 2:06cv378-WKW**

**ALABAMA MEDICAID AGENCY,**

**Defendant.**

**DEFENDANT ALABAMA MEDICAID AGENCY'S  
EVIDENTIARY SUBMISSION IN SUPPORT  
OF MOTION FOR SUMMARY JUDGMENT**

**COMES NOW** the Defendant Alabama Medicaid Agency (“Medicaid”) and, in accordance with Section IV, Part B of the Administrative Procedures of this Court, submits the following evidentiary materials in support of its Motion for Summary Judgment and accompanying Memorandum of Law:

Exhibit A: Plaintiff's Complaint

Exhibit B: Affidavit of Georgette Harvest (Personnel)

Attachment 1: Medicaid's ASA-II Job Description and the Personnel Department's ASA-II Job Description.

Attachment 2: Medicaid's ASA-III Job Description and Personnel Department's ASA-III Job Description.

Attachment 3: Medicaid's policies on non-discrimination and Promotion/Demotion

Attachment 4: Excerpts from Elaine Coley's personnel file:  
(a) January 12, 2000 Memorandum prepared by

DOT supervisor, Bonita Crosskno, (b) June 30, 2003 "Memorandum to Personnel File" from Linda Lackey through Mary Finch, (c) July 25, 2003 Appraisal performed by Linda Lackey, as rating supervisor, and Mary Finch as Reviewing Supervisor, and (d) May 13, 2004 Corrective Action Plan by Mike Murphy

Attachment 5: July 22, 2004 Appraisal performed by Mike Murphy

Exhibit C: Excerpts from Plaintiff's Deposition

Exhibit D: Affidavit of William Butler

Attachment 1: July 20, 2004 Coley Employee Grievance Form

Attachment 2: July 22, 2004 Maddox Memorandum to Coley

Attachment 3: July 26, 2004 Maddox Memorandum to File re Grievance Filed by Coley

Attachment 4: July 27, 2004 Maddox Memorandum

Attachment 5: July 28, 2004 Maddox Memorandum for the Record

Attachment 6: August 2, 2004 Rawls Memorandum

Attachment 7: August 20, 2004 Memorandum

Attachment 8: August 24, 2004 Letter from Commissioner Carol Herrmann to Elaine Coley

Exhibit E: Excerpt from Plaintiff's Interrogatory Responses

Dated: March 22, 2007.

**s/Amanda C. Carter**

MARK D. WILKERSON (WIL072)

AMANDA C. CARTER (CAR116)

Attorneys for Defendant

Alabama Medicaid Agency

WILKERSON & BRYAN, P.C.

405 South Hull Street

Montgomery, AL 36104

Telephone: (334) 265-1500

Facsimile: (334) 265-0319

mark@wilkersonbryan.com

amanda@wilkersonbryan.com

**OF COUNSEL:**

WILKERSON & BRYAN, P.C.

405 South Hull Street

Montgomery, AL 36104

Telephone: (334) 265-1500

Facsimile: (334) 265-0319

mark@wilkersonbryan.com

amanda@wilkersonbryan.com

**CERTIFICATE OF SERVICE**

I do hereby certify that on this the 22nd day of March 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and that I mailed a copy of the foregoing to the Plaintiff, properly addressed and first class postage prepaid.

Elaine M. Coley, Pro Se  
6321 Sandy Ridge Curve  
Montgomery, AL 36117  
(334) 207-3606

**s/Amanda C. Carter**  
MARK D. WILKERSON (WIL072)  
AMANDA C. CARTER (CAR116)  
Attorneys for Defendant  
Alabama Medicaid Agency  
WILKERSON & BRYAN, P.C.  
405 South Hull Street  
Montgomery, AL 36104  
Telephone: (334) 265-1500  
Facsimile: (334) 265-0319  
mark@wilkersonbryan.com  
amanda@wilkersonbryan.com